

BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION MEETING February 4 and 5, 2004 Sacramento, California

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Mark Bosetti
Susan Britting
Robert Heald
David Nawi
Tharon O'Dell
Gary Ryneearson

BOARD STAFF PRESENT:

George Gentry, Executive Officer
and Executive Officer, Foresters Licensing
Donna Stadler, Executive Assistant
Chris Zimny, Regulations Coordinator
Mark Hite, Committee Staff

DEPARTMENTAL STAFF PRESENT:

Andrea Tuttle, Director
Bill Snyder, Deputy Director
Resource Management

CALL TO ORDER

Chairman Dixon called the February 2004 meeting to order.

REPORT OF THE DIRECTOR

Ms. Andrea Tuttle, Director of the California Department of Forestry and Fire Protection (CDF), reported that she would attend the Blue Ribbon Committee meeting in Southern California tomorrow and thanked the Board for taking her report out of order. She commented on the January 10, 2004, budget and the direct as well as the indirect affect to the Department's suppression capabilities. She reviewed some numbers for the Board and commented that the Department of Finance was the lead as to how the language is to be developed. There will be a more complete report in a couple of months as the details are clarified.

Director Tuttle commented that the Department has begun implementing the waves of reduction plans. Last June there was an Executive Order requiring a 10 percent, department wide, reduction plan. CDF sent out 203 surplus letters to fire protection and some forester classes. Today 193 surplus letters, affecting 119 positions, will go out; almost all are in the forester position ranks. Those receiving letters will be placed on a surplus list. She indicated

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that CDF was doing everything possible to find a place for them within the Department. She reviewed all of the areas being reduced due to the budget cuts.

Director Tuttle commented on the aftermath of the Southern California fire siege and the Blue Ribbon Commission (BRC). The BRC is composed of over 30 elected officials and fire chiefs from all of the Southern California counties, local districts, some members of the Board of Supervisors, and some state Assembly members. The hearings have been ongoing since January 2004 and Senator Campbell is chairing the BRC. She commented that the military is also involved in these meetings and referred to her testimony to the BRC in the Board's binder. She provided some background for the Board. Tomorrow's meeting in Riverside will be on the communications issue and how is the inter-operability between communications system going to be provided. There will be another meeting in Orange County, and in March the BRC will be developing its recommendations and delivered them to the Governor in early April 2004. She indicated that spot bills would be a vehicle for some of those recommendations. She commented that there has been a chronology study that just came out and that she would provide printed copies for the Members. CDs have already been provided to the Members.

Director Tuttle reported that the Health Forest Restoration Act, which was signed by the President, provides a process for directing funds for fire-safe clearances. Half of the attention is to be paid to the wildland urban interface and half of the attention is to be paid to the general Forest Service side. She noted that all fire plans for all CDF Units are now on the web.

Director Tuttle announced that the Resources Secretary, Michael Chrisman, now has his full staff and that Karen Scarborough is the Under Secretary and Crawford Tuttle is the Internal Affairs Deputy Secretary. Melinda Terry, who has been the representative for the California Forestry Association, is now the Legislation Deputy Secretary in the Agency.

Director Tuttle reported that the Department held a series of the Director's Award ceremonies in various locations due to the budget. She noted that Jeff Jones was awarded the Louis Moran Award, Tom O'Keefe received the Leadership Award, the Fire Fighter of the year went to Greg McFadden, and there were a series of accomplishment awards.

Mr. Nawi wanted to know if the passage or failure to pass the proposed 15 billion dollar bond issue would have any affect on the figures she provided.

Director Tuttle commented that it would not directly, but the budgets for all departments will be affected. The SRA and the Resource Management issues are separate items within the budget process.

There was some further discussion.

Mr. Marckwald asked that the Board be provided a copy of the BRC's papers on the communications issue.

PUBLIC HEARING ON THE APPEAL, BY SANTA CRUZ COUNTY, OF THP 01-170 SCR

Chairman Dixon introduced the topic.

Mr. Ryneanson asked that the record show that he had a potential conflict in this matter and would, therefore, not participate in the discussion, and would leave the dais while this matter was before the Board.

Mr. George Gentry, Executive Officer for the Board, commented that the Board would hear an appeal of the Director's approval of THP 1-01-170 SCR, pursuant to Title 14 CCR, §1055.

There were presentations by Santa Cruz County, the Department, the THP submitter; followed by public comments.

The public hearing on this item was closed by Member O'Dell and seconded by Member Heald and following Board discussion, deferred until the March 2004 meeting by general consensus of the Board.

Note: A complete certified transcription of this hearing may be reviewed at the Board Office, or copied for a small reproduction fee.

REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL (CFPC)

Mr. Scott Johnson, Chair of the CFPC, reported that the November 2003 meeting went very well. Their board meets twice a year in addition to their annual meeting. Their next board meeting is scheduled for Friday, February 6, 2004. The meeting will focus on its annual meeting and planning its summer field tours, as well as its next year's board meeting. He commented that the CFPC publishes a forest pest conditions report once a year and that a draft would be presented to the Board next month. He would like to continue to engage the CFPC with the RPC in working with the Board relative to the Southern California draught forest pest issues.

Mr. Bosetti wanted to know if the presentation next month would be relative to the FRAP report.

Mr. Johnson commented that he had not read the FRAP report.

Mr. Bosetti commented that if a link could be made it would be helpful.

RANGELAND MANAGEMENT ADVISORY COMMITTEE (RMAC)

There was no RMAC report.

MONITORING STUDY GROUP (MSG)

Mr. Peter Cafferata provided the MSG report of its January 22, 2004, meeting and summarized it for the Members. The Group received an update on research on the composition of suspended load as a measure of stream health contract. There was a PowerPoint presentation on the new Kings River Experimental Watershed Project. There were updates on the Monitoring Study Group's Cooperative Instream Monitoring projects. There was some discussion on the planned CDF, MSG, and the Board's monitoring activities for the calendar year 2004. The next MSG meeting is scheduled for March 25, 2004. This report may be viewed in its entirety at:

www.bof.fire.ca.gov/board.

Mr. O'Dell commented that the presentations to the MSG are always excellent and well worth attending.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. George Gentry, Executive Officer for the PFEC, reported that the PFEC would be meeting on February 19, 2004, to review the applications for the April Registered Professional Foresters Examination.

REPORT OF EXECUTIVE SESSION

Chairman Dixon commented that there was nothing reportable from the Executive Session.

REPORT OF THE OAK MORTALITY TASK FORCE (COMTF)

Mr. Mark Stanley, Chairman of the OMTF, presented his written report and reviewed it for the Members. A copy of this report is available at: <http://suddenoakdeath.org>

STANDING COMMITTEES OF THE BOARD

REPORT OF THE SENSITIVE WATERSHED NOMINATIONS REVIEW

Mr. O'Dell commented that the Sensitive Watershed Nomination Committee is trying to get ownership maps. It is a thirty thousand acre basin. The Committee is also trying to get staff assigned to write letters notifying the public of the meetings as well as invitations to the landowners in an effort to have them attend the discussions.

POLICY AND MANAGEMENT COMMITTEE (PMC)

Mr. O'Dell commented that the PMC meeting began with the Oak woodlands discussion. The RMAC has asked that this issue be delegated to them so that they can frame options for solutions and then bring those back to the Board. The PMC hopes to get back to the Board with a recommendation on Oak woodland discussion by June. The Committee then continued its discussion on a petition, which has turned into a microclimate wrapped up in the Cumulative Effects Petition. The Committee is working on how to frame it. Member Nawi would like to have the petition blended with the cumulative effects discussion, and the Department indicated that they would likely have some recommendations out of the Cumulative Effects committee by June and the PMC would bring that to the Board at that time. The PMC will be working on a policy statement surrounding the FRAP Report. The early issues of that report have gone to the Legislature; this is an issue for the Committee's 2004 calendar year. He expressed his appreciation of the energy that has gone into the FRAP report.

Mr. Nawi noted that the petitioner of the Oaks issue was not present during that discussion. He commented that on the clear-cutting issue, the Cumulative Effects Working Group is working at the Agency staff level between CDF and Water Board staff. It would be beneficial for them to involve the public at some point in those discussions. He reported that a public member had commented on the appeals process, which he believed to be an important point.

RESOURCE PROTECTION COMMITTEE MEETING (RPC)

The RPC was canceled, but will resume next month.

FOREST PRACTICE COMMITTEE (FPC)

Mr. Heald, Chairman of the FPC, reported that the Committee continued its discussion on the Transitional Silviculture Method proposed rule amendment and staff is working on developing the 45-Day Notice, as directed by the Board. Staff is also in contact with Plumas County looking for further information regarding a possible exemption. The Committee discussed AB 47, which is a rule modification regarding Cumulative Impacts Assessment maps over the past 10 years. Those maps are used as tools by review teams and are available to the public. This issue will be discussed again in Committee next month. There was some discussion on fuel hazard reduction, which included the three levels of fuel; ground surface, ladder fuels, and the main canopy fuels. There were several tentative options in these discussions. The Committee had a discussion with the Forest Reptile and Amphibian Working Group. They will return in a couple of months with a revision to their proposals. A group of biologists and foresters who are concerned about the focused on FRAWG and that it may have been heavily North Coastal and they are going to provide some information to the Committee. Staff prepared a series of initial options relative to the issue of how to classify watercourses. At the next meeting, staff will provide an overview of an alternative watercourse system patterned after Oregon's system of the drive and scale of waters being the driving force rather than the biological or beneficial use issue. This discussion will continue next month.

AD HOC ROADS AND WATERSHED COMMITTEE

Mr. Rynearson, Chairman of the *Ad Hoc* Committee, commented that the Committee had an excellent meeting with presentations from both Water Quality and CDF. CDF has provided the Committee with a memo on department procedure for implementing SB 810. Representatives from the Regional Water Quality Control Board and the North Coast Water Board provided their comments. It is the Committees understanding that prior to

public notice, the Executive Officer (EO) or the Regional Board must notify the Director of their intent to request a denial of a plan based on substantial evidence that the THP was in violation of the Basin Plan if it was to be implemented as prepared. The law reads that the plan may not be approved if the EO or the Regional Board requests that plan not be approved. The Committee was asked to bring that question to the Full Board and for Counsel to look into it and provide some guidance as to whether or not the plan was denied because the Director denied the Plan based on the request from the EO, or the Regional Board, do they then have to bring that to this Board for an appeal to complete the administrative cycle. He asked the Board to approve directing that question to Counsel.

Chairman Dixon asked if any Member had any objection to referring that issue to its Counsel for response. There was none.

Mr. Ryneanson commented that the Committee had a discussion on the waiver policy with members of the North Coast Board and the Central Valley Board, Regions 5 and 6 have policies in place; the NCRQCB is developing a new policy for waiver discharge. The Committee understands this will not be a waiver policy, but a waste discharge report. This will be an ongoing discussion item and the Committee will keep the Board informed. The Central Coast Board does not have a waiver policy in place; they are working on a THP-by-THP bases.

Mr. Ryneanson commented that the Committee had a presentation from the Department of Fish and Game regarding the implementation of SB 418, which changed the procedures and policies for section 1600 streambed alteration agreements. What was a 1603 permit is now a 1602 permit and there is a 1611 permit, which is intended to be submitted with the THP and become a part of the THP. He reviewed those who are currently using the 1600 permit for the Board.

Mr. Ryneanson commented that there was a good discussion concerning logging roads. CDF suggested some definitions and the Committee is working on some language that addresses those concerns. The Draft Road Management Plan proposal was reviewed briefly. CDF has worked on the development of a proposed rule package that now incorporates a CEQA approval process. This will be discussed at the next Committee meeting.

Mr. Ryneanson commented that the next Committee meeting will include a continued discussion of labor status, proposed road definitions, road management plan, road rule package, and an update on the 1600 process.

Mr. O'Dell commented that there is also a fee structure with the Waste Discharge Report (WDR) for those of you who are interested in cost of plans, which is an ambitious fee structure and the WDR looks like it would run \$800.00 plus tax per project.

Mr. Nawi indicated that it would be helpful for the Board's Counsel to look at the CDF memo to see if he agrees with the advice within it.

REPORT OF FEDERAL AGENCIES INCLUDING USDA FOREST SERVICE, NATIONAL MARINE FISHERIES SERVICE, US FISH & WILDLIFE SERVICE AND US ENVIRONMENTAL PROTECTION AGENCY

No report.

PRESENTATION BY THE USDA FOREST SERVICE ON THE HEALTHY FOREST RESTORATION ACT

Mr. Mike Chapel, USFA Forest Service, provided a Power Point presentation regarding the Healthy Forest Restoration Initiative. He noted that the Pacific Southwest Regional Forester signed the Record of Decision for the Sierra Nevada Forest Plan Amendment Supplemental EIS on January 21, 2004, which became effective on March 1, 2004, and the appeal period ends on April 29, 2004. The presentation included a reviewed the fiscal year 2004 wildland fire hazardous fuels reduction program, as well as the implementation strategy and the tools available to forest managers. More details can be found at: www.fs.fed.us/r5/snfpa/.

There was some discussion following the presentation.

PRESENTATION/DISCUSSION ON THE PETITION REGARDING HERITAGE TREES

Mr. O'Dell, Chair of the Policy and Management Committee, commented that the Committee was the recipient of this petition as a follow-up to some legislative attempt to look at the disclosure on properties of large old trees. There is a need now to get the Board to accept the petition and assign it to the FPC. He provided some background on the issue. There has been no real effort for individual specimens from single trees to areas less than 20 acres of having any special disclosure. The PMC believes that the petitioner should present his feelings about this petition to the Board and there should be a Board discussion to decide whether or not it has enough merit for rulemaking.

Mr. Richard Gienger reviewed two documents from the Board's binder; the policy issues related to the old growth/heritage tree petition as discussed in the Policy and Management Committee, and the November 2003 document regarding the implementation of measures in response to the petition of July 10, 2003, which was amended in August of 2003. He commented that from the beginning the purpose of the petition was to get a reasonable method of disclosure to plug the gap of disclosing potentially significant old growth trees between the individual tree and 20 acres. He reviewed past transcription and asked that the Board take on the policy issues and send it to another committee to get into the details. He would like for this to become a part of the normal review process.

Mr. Bill Snyder, Deputy Director for Resource Management, provided an overview of three approaches the Department is currently taking: voluntary, like that which has been exhibited by the Redwood Mendocino Coast Company with old growth retention policy per individual trees or groves and maintain trees per their policy; HCPs on the North Coast where there are agreements to retain some trees and take some trees and manage within an incidental take; and reviewing agencies sometimes recommend retention of trees over 48 inches. He could not speak to the interior in terms of how they have been dealing with old growth and the retention of individual trees in those areas. He indicated that it might be helpful to ask those who have such policies to provide a presentation to the Board on how those are affecting their THP preparation and disclosure.

There was some further discussion.

Mr. Bill Steward, Chief of CDF's FRAP Unit, commented that it has been very difficult trying to determine how much old growth is on the landscape. He commented that the FRAP unit went back to the published forest inventory analysis reports of the different regions in the state. He noted that according to statistics about 25 percent of the landscape has some scattered big trees. He referred to the Pacific Northwest Research Station's presentation regarding new findings on old growth forest, and reviewed portions of it for the Board.

There was further discussion.

Mr. Gienger commented that this is about old growth trees and not to discourage people from growing big trees. He would like the Board to take some kind of policy action to acknowledge that there is a potential significant intrinsic value in old growth in stands of less than 20 acres.

Public Comments

Mr. Jon Kessler, Society of American Foresters (SAF), expressed some concern regarding what constitutes an old growth tree. He believes that it should be a biological issue, not a 150-year age requirement. He believes that it would be a significant economic impact in costs to the RPF and landowner to survey each tree. He commented that with the diverse range of disclosure, too many groups would have increased difficulty of actually harvesting the tree. He believes that there are other litigious implications as well. The necessity of the rule needs more discussion beyond what existing rules provide.

Mr. Lloyd Bradshaw, Hearst Corporation, commented about the risk of non-disclosure of having large trees. He believes that mapping an entire ownership, given an even-aged ownership cutting cycle of 20 years, is very significant.

Ms. Adie Jacobson believes that spending time on this issue would be beneficial. In evenaged management, many individual large trees are lost. Disclosure allows for a mechanism to protect trees. With the current situation, many trees are lost without disclosure.

Mr. Dan Weldon, California Licensed Forestry Association (CLFA), commented that this issue has significant impacts for small landowner. He suggested that the Board moves to other topics and dismiss this.

Mr. Keith Greenwood believes that the petition could provide a disincentive rather than an incentive.

Chairman Dixon referred to his comments to Senator Burton about discussing this issue fully and fairly. He believes that the PMC has done an excellent job in pursuing this issue. However, it needs further review and looked to the PMC for a recommendation.

Mr. O'Dell commented that the existing 20-acre basis is only relevant to value basis.

Mr. Marckwald commented that there was a need for more review of definitions and disclosure by the Forest Practice Committee. He believes that there is an area that is gray. There are some important topics and discussion issues that the FPC should be charged to deal with, and then come back to the full Board with recommendations.

Mr. Nawi summarized his November 2003 comments for the Board. An approach can be developed based on geographic differences and a definition can be crafted that foresters and the Department can live with. He believes that this approach would not require any additional survey and he believes that good faith efforts are enough. He supports early notifications to support alternatives and a disclosure in the THP. CDF would be able to make an evaluation and no additional prohibition should be incurred. CDF is to make an analysis under existing rules. He commented that the regulation would be minimum relative to existing level of disclosure.

Ms. Britting commented that she supports the idea that these elements should be disclosed in the normal course of action; however, land managers anticipate additional burdens. There is a need to further evaluate what disclosures are and identify parts of the rules that currently provide for disclosure; the follow up would then include distribution of disclosure. She supports sending this package to the FPC.

Mr. Ryneason believes that section three and the cumulative effects section provide enough of what this discussion is about. He was not in support of the option of willing seller and buyer. It does not need to be disclosed in a THP. He suggested an alternate; create tax incentives for owner to sell to state and deduct against yield tax. He was not supportive of disclosure in THPs. There is disparity in mapping and disincentive to protect them.

Mr. Bosetti does not believe that individual tree protection is the issue; the focus is on large stands. The stand level is the only way to protect values.

Chairman Dixon commented that there is a need to report back to legislator and public, and not with an onerous intent; there is a need for a clear statement.

04-02-1 Mr. Marckwald moved to refer the concept raised in petition to the Forest Practice Committee for quick review and consideration. The specifics are: 1) resolve definition of which trees apply (i.e. characteristics definition of Old Growth); 2) further disclosure to whom and by when; 3) clarification of specific actions in existing THPs; 4) not looking to jeopardize professional judgment; 5) Geographic differentiation with inland; 6) Incentives to willing seller buyer maximize this; 7) Consider what circumstances, which trees have intrinsic values to have the necessity for further regulatory rules; and 8) complete review by June 2004.

Mr. Heald commented that the FPC would take any charge that the Board gives it, but believes that the motion is very broad. He would like to shorten a prioritized list. He suggested taking the motion, which has been made and prioritize it as follows: 1) Look at how to describe with adequate localization, by region, vegetation type, or species

old growth characteristics; 2) How to ensure that they are reasonably disclosed in the current THP process and is suitable of ensuring the disclosure is include more appropriately; 3) Want direct charge of considering the disclosure in existing in SYPs, PTEIRs, or through other disclosure documents that these documents may be sufficient for disclosure, such as those by Mendocino Redwood Company and Collin Pines; 4) Prioritized regional characterization of large trees, and it must be reasonably disclosed in the current THP system; 5) Consider advanced noticing as disclosure for incentives, not a priority; and 6) Look at ways to avoid disincentives and further incentive methods. He commented on the portion of the motion the concern that we explore the possibility of a disclosure process in advance of the mailing of the THP might have value and he believes that this issue is low on the priority list. He commented that the FPC, when given the charge would put the priorities on its agenda and come back with the best it can do in that timeframe provided.

Mr. Marckwald commented that he believes that the third item should remain third in order. He believes that it should be a relatively short review and that it is important to address.

Mr. O'Dell suggested taking a one-year project and making it a two-year project. He believes that the motion needs to be shorter.

Mr. Ryneason commented that he believes that it boils down to two elements: 1) does the current process provide proper disclosure and assessment of the biological concerns and benefits of large old trees of late successional elements; and 2) what can the Board do to provide incentives to either maintain or grow large old trees.

Mr. Marckwald believes that Member Ryneason's comments are consistent with the direction of Member Heald's summary in terms of the motion.

Mr. Nawi commented that the Committee should look at the definition issues and the disclosure process under the present regime and also look at the potential of improving that process either through the THP itself or the potential of earlier disclosure mechanisms. He hopes that the Committee will come back with recommendations.

Chairman Dixon called for a consensus vote, and all were in favor of sending the petition to the Forest Practice Committee for discussion and recommendations.

DISCUSSION REGARDING THE ENVIRONMENTAL IMPACT REPORT AND MANAGEMENT PLAN FOR JACKSON DEMONSTRATION STATE FOREST

Chairman Dixon introduced the topic.

Mr. Nawi reported on the process and status to date. He commented that there is a draft contract with CDF to prepare the Environmental Impact Report that is in its final form, but not executed; CDF is continuing with that work. There is an agreement with the UC Cooperative Extension in place to provide the facilitation services in connection with the facilitated scoping, as directed by the Board. He commented that he had been working with the Executive Officer, the Department, and the Attorney General's Office and his understanding is that it is very close to completion and to be release soon. He believes that it would require a 45-Day Notice period. The facilitators are arranging a facilitated scoping session for February 27 and 28, 2004, to take place in Fort Bragg.

Mr. George Gentry announced that the March 12, 2004, open public scoping session would be held in Sacramento in the Resources Auditorium. He reviewed the schedule for the February facilitated scoping session was open for the public, but members of the public would need to provide their own transportation for the field trip scheduled for February 28.

There was some discussion regarding noticing and Members attendance at the scoping sessions.

Mr. Christopher Rowney, Chief Resource Management, reviewed the order in which the scoping meeting are conducted.

Mr. Bruce Reeves, Deputy Attorney General and Counsel for the Board, read a passage out of the Bagley-Keene Act for the Members. If a majority of the Board was going to attend these scoping sessions, then it would have to be noticed as a Board Meeting.

Chairman Dixon wanted to know how many Members were planning on attending. The Members were not sure whether or not they would be able to attend.

Mr. Nawi commended the Executive Officer for all of his work on organizing the project.

REPORT BY THE FIRE AND RESOUCES ASSESSMENT PROGRAM (FRAP) ON THE CHANGING CALIFORNIA FOREST AND RANGE ASSESSMENT AND PENDING POLICY STATEMENT

Mr. Bill Stewart, Chief of CDF's FRAP Unit, provided a Power-Point Presentation, which focused on the Policy Statement to Address Growing Conflict over Changing uses on California's Forests and Rangeland. He commented on how Oregon approaches the process and referred to the Board's binder containing a copy of "Forestry Program for Oregon 2003" and reviewed it for the Members. He indicated that the presentation provided the breath of potential policy issues. He provided some background for the process FRAP went through to come up with his presentation. He provided the Board with a CD of his presentation.

There was some discussion.

PUBLIC FORUM: Members of the public may address the Board on any topic within its jurisdiction not otherwise on the agenda. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board. Please be prepared to summarize comments to three minutes in length, or otherwise at the discretion of the chairman.

Mr. Richard Gienger commented that he wants to encourage that the Cumulative Watershed Effects Committee incorporate a pilot project in a planning watershed scale for cumulative watershed effects relative to NCWAP and IWAT. He announced that the Buckeye Conservancy was having its annual meeting this Saturday at the River Lodge. He reported that the Department of Fish and Game voted 3 to 1 to accept the Coho recovery strategy and the timber alternatives. The Fish and Game Commission supported the DFG recommendation, which he reviewed for the Board.

Mr. Dan Weldon, Forest Landowners of California, FLOC, commented that there is a serious regulatory oversight by Department of Fish and Game on THPs. He expressed his frustration regarding the DFG's decision to list Coho. He commented that there are fees coming at FLOC from all directions; additional fee from the 1660 process, additional waiver permits, SRA fees, water-right fees, and THP fees. There is a potential of the loss of over half of the CDF forester staff, which will cause more delays and more costs for the small landowner. FLOC has the liability to landowners to protect big old trees. The FLOC is concerned about the state commitment of keep productive well-managed forests in forestry and open space. He commented that the Board needs to promote the practice of well-managed forests and not add to the regulatory burden that they already face.

REPORT OF THE REGULATIONS COORDINATOR

Mr. Chris Zimny, Regulations Coordinator, reported that the Napa rules will have its public meeting for the 45-Day Notice on March 3, 2004.

Mr. Zimny provided a briefing regarding the Executive Order S-2-03, which required a review of the economic impact of regulations on businesses since January 6, 1999. It also required a review of the authority for rulemaking. The responses in conformity of Executive Order S-2-03 are due in the Resources Agency by February 13, 2004, and will be submitted to the Legal Affairs Office. The Resources Agency will be the group that will be processing and providing feedback. He included in the Members' packet, its response to the impacts on the regulations since 1999, as prepared by staff, and summarized it for the Members.

There was some discussion on how staff arrived at the impacts as indicated in the Board's packet.

Mr. Heald wanted to know about stocking standards changes.

Mr. Zimny commented did not believe that the stocking standards rule was within the timeframe requested in the Executive Order. He indicated that he would follow up on that item.

Mr. Nawi suggested that the Board authorize staff to present this packet to the Resources Agency with any corrections from feedback he might receive from Members, including Member Heald's request within one week from today.

04-02-2 Acting Vice Chairman, Member Heald, called for a consensus of the Board regarding Member Nawi's suggestion. The vote was unanimous.

Mr. Gentry commended the Regulations Coordinator for his efforts.

Note: The Board's Regulations Coordinator will report on ongoing regulatory matters. The Board may act in response to requests of the Regulations Coordinator on items presented in the report. Report will include status of actions taken to comply with Executive Order S-2-03; content and status of Napa County Rules.

EXECUTIVE OFFICERS REPORT

Mr. George Gentry, Executive Officer to the Board, reported on Legislation for the Members. He then noted that the closing date for the Executive Officer position for Foresters Licensing would end on February 19, 2004.

NEW AND UNFINISHED BUSINESS

Mr. Richard Gienger commented on the Fish and Game Guidelines and indicated that there is a portion that incorporates landowner recommendations and addresses some of the FLOC's concerns.

ADJOURNMENT

Acting Vice Chairman, Member Heald, adjourned the February 2004 meeting of the Board.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.

ADA Notice- Pursuant to the Americans with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in a State Board of Forestry and Fire Protection Meeting, may request assistance at the Board Office, 1416 Ninth Street, Room 1506-14, Sacramento, California or by calling (916) 653-8007. Requests should be made one week in advance whenever possible.